

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ROGER POOLE, et al.,

Plaintiffs,

vs.

WALLY BERGER BUICK, INC.

Defendant.

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Case No. 4:07CV02016 ERW

MEMORANDUM AND ORDER

This matter comes before the Court on Motion to Enforce Settlement Agreement [doc. #8]. The Court heard arguments from the Parties on this Motion on June 27, 2008 and August 1, 2008.


In the course of prior litigation, the parties entered into a settlement agreement for employee benefit contributions owed by Defendant to Plaintiffs from October 2006 through March 2007. Defendant violated the settlement agreement by failing to pay its contributions one month in advance and by cashier's check. Plaintiffs seek to collect the fringe benefit contributions owed under the settlement agreement. Because of Defendant's default on the settlement agreement, enforcement requires a judgment for the Plaintiffs in the amount of \$8,130.00, plus \$350 in filing fees, and attorney fees in the amount of \$1,949.00.

Defendant does not dispute that it has defaulted on the settlement agreement, and the amount Plaintiffs seek is not in controversy. Defendant is seeking financing to enable it to pay this sum. The Court finds that judgment for Plaintiffs is appropriate, however, will stay the execution of this judgment until August 20, 2008 so that Defendant may secure financing.

Accordingly,

IT IS HEREBY ORDERED that Motion to Enforce Settlement Agreement [doc. #8] is **GRANTED**. Plaintiffs shall have judgment against Defendant in the amount of \$10,429.00. Plaintiffs may not execute upon the judgment, or institute any proceedings to enforce it, until August 20, 2008.

Dated this 1st day of August, 2008.


E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE